

ENTERED

January 24, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA

§

§

VS.

§ CRIMINAL NO. 4:13-CR-554-3

§

OSCAR CANO BARBOSA

§

**AGREED ORDER APPOINTING RECEIVER FOR
MOTORCYCLE AND BOAT**

Defendant has reached an agreement with the United States for the sale of certain assets for purposes of having the proceeds applied to his restitution obligation. The parties have agreed to the appointment of a receiver to sell the assets, which is authorized pursuant to 18 U.S.C. §§ 3613 and 3664(m)(1)(A) and pursuant to 26 U.S.C. §§ 7402(a) and 7403(d).

The Court has considered the Unopposed Motion to Appoint a Receiver to Sell Motorcycle and Boat, the record, and the applicable law and has decided to grant the motion. Therefore,

1. It is ORDERED that Michael W. Scully, President of Rbex Inc. dba Apple Towing Co. ("Apple"), with a business address of 2030 Holmes Road, Houston, Harris County, Texas, is appointed receiver of the following assets:

2005 Harley Davidson Motorcycle
VIN # 1HD1BXB165Y086385

2011 Blue Wave Boat
Vessel # 3805BK
Hull # PWV10094E111
Suzuki Outboard Motor
#17502F-111152

2012 McClain Boat Trailer
VIN # 4LYBA2024CH00590

2. It is ORDERED that:
 - a. The receiver is authorized to peacefully seize, tow, prepare, and store the assets at an Apple facility in Edinburg, Texas. Towing charges shall be \$250.00, and storage charges shall be \$7.00 per day, beginning on the date the assets are delivered to Apple and ending on the date of sale.
 - b. Apple shall furnish and maintain a safe, suitable place for storage and shall keep the assets insured against loss by fire or theft for an amount equal to at least their fair market value.
 - c. The receiver is authorized to sell the assets at auction without any further approval of this Court. Apple shall exert reasonable business efforts to advertise and promote the auction sale of the assets in order to obtain the best possible sales prices.
 - d. If necessary, the receiver is authorized to obtain duplicate titles for the assets from the Texas Department of Motor Vehicles, Texas Parks and Wildlife Department, or other appropriate source.
 - e. If necessary, the receiver is authorized to purchase keys to the assets from an appropriate source.
 - f. With the consent of the government, the receiver may make additional reasonable expenditures to prepare the assets for sale.

3. It is ORDERED that the receiver will receive 8% of the auction sales price of the assets as compensation for his services, in addition to reimbursement for expenses.
4. It is ORDERED that after the auction, with government approval of the amounts, the receiver may reimburse itself out of the sales proceeds for towing expenses, storage expenses, and any pre-approved additional expenditures, as well as for payment of the 8% commission.
5. It is ORDERED that the receiver will cause the net proceeds from the sales of the assets to be paid by check to "Clerk, U.S. District Court" and contain a memo line referencing "Cause No. H-13-cr-554-03" and "Oscar Cano Barbosa." The Clerk of the U.S. District Court is authorized to accept such funds and hold them in the Court's Registry until further Order of the Court.

It is so ORDERED.

SIGNED on this 24th day of January, 2017.



Kenneth M. Hoyt
United States District Judge

